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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,680	03/05/2002	Carl A. Gunter	53087-5009	8503

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EXAMINER
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KLIMACH, PAULA W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 06/04/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/090,680

Applicant(s)

GUNTER, CARL A.

Examiner

Paula W Klimach

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7, 9, and 11.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed on 3/08/04 (Paper No. 10). Original application contained Claims 1-5. Applicant amended Claims 1 and 5. The amendment filed on 3/08/04 have been entered and made of record. Therefore, presently pending claims are 1-5.

### ***Response to Arguments***

Applicant's arguments filed 3/08/04 have been fully considered but they are not persuasive because of following reasons.

Applicant argued Berry does not disclose providing a label. This is not found persuasive. The definition of a label is a word, symbol, or group of characters used to identify a file, a storage medium, an element defined in a computer program, or a specific item in a document such as a spreadsheet or a chart. The permissions is represented using a digital signature which is an identifier for the digital data. As a result, the permission performs the function of the label.

The examiner asserts that the prior art does teach or suggest the subject matter broadly recited in independent Claims 1 and 5. Dependent Claims 2-4 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action (Paper No. 12). Accordingly, rejections for claims 1-5 are respectfully maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berry et al (US Patent 2002/0162019 A1) in view of Linehan et al (5,495,533).

*In reference to claims 1 and 5*, Berry discloses a method and system of providing secure access to a service on a web server comprising: (a) providing a first user access to a label service on the web server (page 2 paragraph 0040); (b) allowing said first user to determine, using the label service, a label relating to the service on the web server (page 2 paragraph 0041); (c) providing the label to said first user (page 2 paragraph 0041); (d) upon said first user transmitting the label to a second user via a messaging system (paragraph 0042), automatically storing on the web server information based on a public key of the second, user and the label (page 3 paragraph 0049); (e) authenticating the second user with respect to the public key of the second user and the label (page 4 paragraph 0052); (f) providing the second user access to the service if step (e) produces a positive result (page 4 paragraph 0052).

Although Berry discloses the use of and ACL containing public keys (paragraph 0063), Berry does not expressly disclose updating the ACL with at least one of a public key of the second user and information related to the label or (ii) information that allows retrieval of a public key of the second user and information related to the label.

Linehan discloses the automatic update of a key database when the permissions or access information changes (column 7 line 46 to column 8 line 17). The key database performs the function of an access control list in defining who can use the file (column 9 lines 42-58). In fact the database entry contains an access control list as shown in the fields as shown in fig. 8 and column 10 lines 7-13. The personal key server compares the accessor's name to the requesting individual. Regarding the information related to the label, the field disclosed by Linehan

Art Unit: 2135

contains the control key index number, which is used to access the file through finding the key used to decrypt the file and therefore access the file (column 9 lines 42-58).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the updating mechanism as in Linehan in the system of Berry. One of ordinary skill in the art would have been motivated to do this because automatically updating information reduces the number of errors that are created.

Claims 2-3 are rejected as in rejection for claim 1.

Regarding claim 2, wherein the label comprises a URL for identifying the service (page 4 paragraph 0057).

Regarding claim 3, wherein the messaging system comprises an electronic mail system (page 3 paragraph 0049).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berry and Linehan as applied to claim 1 above, and further in view of Wright et al (2002/0016910 A1).

Berry and Linehan does not expressly disclose the use of instant messaging for messaging.

Wright discloses messaging system comprises an instant messaging system (page 3 paragraph 0019).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use instant messaging as in Wright in the system as in Berry. One of ordinary skill in the art would have been motivated to do this because instant messaging allows for delivery of messages the same day (page 1 paragraph 0007).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W Klimach whose telephone number is (703) 305-8421. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK  
Tuesday, June 01, 2004

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
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